



**ZONING BOARD OF ADJUSTMENT MEETING MINUTES
CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
APRIL 9, 2012
1:30 P.M.**

Chair Aguilar called the meeting to order at 1:34 p.m.

The following Board Members answered roll call:

Mr. Rick Aguilar, Chair
Mr. Rigoberto Mendez, Vice-Chair
Mr. Michael Bray
Mr. Robert Garland
Mr. Sam Barela
Mr. Rick Cordova
Mr. Jeff Gonzalez
Mr. James Wolff (1:36 p.m.)
Mr. Lamar Skarda

The following City Staff were present:

Ms Linda Castle, Planning & Economic Development, Zoning Board of Adjustment Coordinator
Ms. Castle introduced Mr. Michael McElroy, Planning & Economic Development, Planner
Ms. Sol Cortez, City Attorney's Office, Assistant City Attorney
Mr. Juan Estala, Building Permit & Inspections, Chief Plans Examiner



Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson



CHANGES TO THE AGENDA

Ms. Castle noted the Representatives for item 1. (PZBA12-00013) have requested the matter be postponed four (4) weeks to the next regularly scheduled ZBA meeting.

MOTION:

Motion made by Mr. Bray, seconded by Vice-Chair Mendez and **UNANIMOUSLY CARRIED TO POSTPONE ITEM 1. FOUR (4) WEEKS TO THE NEXT REGULARLY SCHEDULED ZBA MEETING.**

ITEM 1:

PZBA12-00013 12111 Swaps Drive Jose and Irma Fong
Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-1 (Residential) zone. This would allow a 460 sq. ft. addition that is proposed to encroach in the required rear yard setback and to be located to within 48 feet of the rear property line. The required front and rear yard cumulative total setback is 100 feet in the R-1 zone district. The request is to encroach into the required rear yard setback for a portion of a new bedroom. The applicant has a building permit and has begun construction on additions and remodeling. There is an accessory building (garage) in the side yard which appears to be located approximately 45 feet from the front property line and approximately 6 feet from the side property line. Per Title 20, Zoning, Section 20.10.020 A.3., accessory buildings shall be located not less than 60 feet from the front lot line, a minimum of 5 feet from the main building, and shall comply with the side yard requirements. In the R-1 zone district, the minimum side yard setback is 15 feet. There is no building permit on file for the building; further, there appears to have been demolition of a building and construction of waterfall and fish ponds without permit. **THE APPLICANT'S REPRESENTATIVE HAS REQUESTED POSTPONEMENT OF THE CASE TO THE NEXT REGULARLY SCHEDULED MEETING.**



Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson



MOTION:

Motion made by Mr. Bray, seconded by Vice-Chair Mendez and **UNANIMOUSLY CARRIED TO POSTPONE ITEM 1. FOUR (4) WEEKS TO THE NEXT REGULARLY SCHEDULED ZBA MEETING.**

Prior to the meeting, copies of the revised carport site plans were distributed to Board Members and Staff.

ITEM 2:

PZBA12-00014 1453 Pintoresco Drive Ivan Esparza
Applicant requests a Special Exception under Section 2.16.050 J (Carport over a Driveway) in a R-3 (Residential) zone. This would permit an existing 25' by 19' carport that is proposed to encroach in the front yard setback and to be located to within 6 feet of the front property line. The required front and rear yard cumulative setback total is 50 feet in the R-3 zone district. The applicant began construction of the carport without permit. An inspection by Building Permits & Inspections shows that the existing 4x12 beams are over spanned as is the 4x10 ridge beam. The applicant has met with Building Permits & Inspections and will submit plans to correct the structural weaknesses. The carport shall match the house in materials and design. The applicant is proposing a pergola at the front of house with rock-faced columns to match the rock-faced carport columns. There is no utility easement at the front property line.

Ms. Castle gave a PowerPoint presentation.

Mr. Ivan Esparza, applicant, was present.

The following commented and/or asked questions:

1. Mr. Skarda noted that the revised carport site plans show the square footage of the home as 2,101; however, the calculations show the square footage as 2,501.



Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson



Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson

Ms. Castle explained the applicant had corrected the square footage to show 2,501. *(After the meeting adjourned, Staff posted the revised/corrected site plan on the web which shows 2,101 as the square footage of the house plus 486 square feet of garage area to equal 2,587 TOTAL SQUARE FEET.)*

2. Vice-Chair Mendez asked if Staff had received any phone calls, emails or letters in favor of or opposition to the request.

Ms. Castle responded no, there were none.

3. Regarding the swimming pool, Mr. Bray noticed an encroachment into the easement and asked Staff if a permit had been granted.

Ms. Castle responded that she thought she had seen a permit in the system for the swimming pool.

Chair Aguilar asked if anyone in the audience wished to speak in favor of or opposition to the request. There was no response from the audience.

MOTION:

Motion made by Vice-Chair Mendez, seconded by Mr. Wolff and **UNANIMOUSLY CARRIED TO APPROVE.**

Other Business:

3. Approval of Minutes: March 12, 2012

Chair Aguilar asked Board Members if they had any additions/corrections/revisions to the minutes. There was no response from the Board.

MOTION:

Motion made by Mr. Garland, seconded by Mr. Skarda **AND UNANIMOUSLY CARRIED TO APPROVE THE MARCH 12, 2012 MINUTES.**

ABSTAIN: Vice-Chair Mendez and Messrs. Bray, Barela, Gonzalez and Wolff



Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000



4. Discussion regarding the Bethel Temple church sign.

Ms. Castle explained that a permit was granted to Bethel Temple for their sign; however, Staff could not find a copy of that permit on file.

The following commented and/or asked questions:

1. Chair Aguilar
2. Mr. Gonzalez
3. Ms. Castle responded to comments from Board Members and noted El Maida Shrine representatives are continuing their pursuit for a sign permit.

Chair Aguilar asked if Board Members had any other questions, comments and/or concerns.

Mr. Skarda commented on an agenda item from the previous ZBA meeting regarding landscaping on commercial property in the Downtown area. He asked if Board Members have the authority to require landscaping.

Ms. Castle responded yes, Board Members are allowed to place conditions on Special Exception request approvals. She noted that property owners are required to have landscaping on their properties. Ms. Castle referred to Chapter 2.16 and explained there is an example of required landscaping in the Code.

Mr. Gonzalez asked if Board Members can require landscaping in Residential zoned areas.

Ms. Castle responded yes.



Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson



Mr. Cordova commented on requiring landscaping in City Right-of-Ways.

Mr. Gonzalez commented on a portion of the SmartCode requiring landscaping.

No further discussion from the Board.

MOTION:

Motion made by Mr. Garland, seconded by Mr. Bray **AND UNANIMOUSLY CARRIED TO ADJOURN AT 1:48 P.M.**

Linda Castle, Senior Planner

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson



Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000